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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 27, 2013

TO: Internal File

THRU: Daron Haddock, Coal Regulatory Program Manager

FROM: Ingrid Campbell, Environmental Scientist III VMC

RE: Lease Modification, West Ridge Resources, West Ridge Mine, Permit C/007/0041, Task ID #4256

SUMMARY:

On December 3, 2012, the Division received an application from West Ridge Resources to add 480.2 acres to the West Ridge Mine permit boundary. The lease modification resulted in less than a 15% change in the total area of the permit boundary and was within the current CHIA and the same hydrologic basin as the rest of the permit area. Therefore, this lease modification did not result in a significant revision to the Mining and Reclamation Plan. The Division sent the application back with deficiencies on January 30, 2012. The Division received the response to the deficiencies on February 20, 2013. This memo addresses the response to deficiencies.

This application is recommended for approval.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

Right of Entry information is located starting on page 1-6 of Chapter 1 of the Mining and Reclamation Plan (MRP). The permittee updated Section 114.100 on page 1-6 to add 480.2 acres to the amount of federal coal acres leased by West Ridge Resources, inc.

The acreage for federal lease UTU 78562 listed on page 1-6, 1-7, and 1-9 is 2605.49 acres. Table 1-2, lists the acreage for this lease as 2,249.25 because this refers to surface lease acres, not coal lease acres.

The permittee updated Table 1-1, Federal Lease and ROW Properties, Table 1-4 Legal Description or Permit Area (By Leasehold), Table 1-5 Legal Description of Permit Area (total Area), and Table 1-6 Surface Ownership of Permit Area. All relevant maps in the MRP have been updated with this application to include the expansion areas for federal lease SL-068754.

Proof of federal lease assignment is included in this application for incorporation into Appendix 1-4 of the Mining and Reclamation Plan. The areas defined in the lease document were verified with the areas updated on the maps.

Findings:

The information provided is considered adequate to meet the regulatory requirements for this section.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

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The current permit was effective on June 28, 2011 and expires on April 1, 2014. The permit will be reissued with approval of this amendment. The permit will include the updated permit area description.

Findings:

The information provided is considered adequate to meet the regulatory requirements for this section. Upon approval of this amendment, a new permit will be issued.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Permit Area Boundary Maps

Map 5-4B, Extended Reserves Map was not updated to include the new lease and permit boundary. Upon notification of this deficiency, WRR decided to remove map 5-4B because they are currently applying to mine the previously designated extended reserves. Since there are no longer extended reserves for the West Ridge Mine, this map is no longer necessary.

Findings:

The information included in the application is considered adequate to meet the requirements for this section.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

The Archeology map 4-2 was updated to show the new permit boundary. Several file searches and class III intensive cultural resource studies have been completed in the area of the

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permit boundary expansion. These include SPUT-595, AN 88, LP 86-1, SP 97 and BYU 86 conducted by SENCO-Phenix. No cultural resources are located above the projected mine panels.

Findings:

The information provided is considered adequate to meet the regulatory requirements for this section.

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Bald and Golden Eagles

Page 3-8 and 3-9 of the MRP states that "locations within the permit area that contain potential raptor nesting habitat will be surveyed in the field within one year of any proposed mining activity that could result in subsidence." The mining projections shown on map 5-4A show that mining will occur in the vicinity of the new lease in 2013. The 2012 raptor survey data was included with this amendment application. The 2012 survey data shows that there are at least two tended or active golden eagle territories within the lease expansion area. However, no nests are located above mine panels projected for 2013. In the future, if an active nest is located above the subsidence area, the permittee must work with the Division, DWR and the USFWS to determine how the nest will be protected or avoided during mining.

Findings:

The information provided in the application is considered adequate to meet the regulatory requirements of this section.

RECOMMENDATIONS:

This application is recommended for approval.